

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA
 3111 CAMINO DEL RIO NORTH, SUITE 200
 SAN DIEGO, CA 92108-1725
 (619) 521-8036

Filed: July 9, 1996
 49th Day: August 27, 1996
 180th Day: January 5, 1997
 Staff: GDC-SD
 Staff Report: August 22, 1996
 Hearing Date: September 10-13, 1996

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-96-106

Applicant: Surf Ride, Inc. Agent: Mike Lloyd

Description: Construction of a one-story, 6,000 sq. ft. retail building over a semi-subterranean parking area on an existing vacant 14,886 sq. ft. lot.

Lot Area	14,886 sq. ft.
Building Coverage	6,000 sq. ft. (40%)
Pavement Coverage	7,166 sq. ft. (48%)
Landscape Coverage	1,720 sq. ft. (12%)
Parking Spaces	30
Zoning	Commercial
Plan Designation	Commercial
Ht abv fin grade	35 feet

Site: 325 N. Highway 101, Solana Beach, San Diego County.
 APN 263-304-19

Substantive File Documents: Certified County of San Diego Local Coastal Program (LCP); City of Solana Beach General Plan; City of Solana Beach Resolution No. 96-63; Coastal Development Permit #6-91-311; Phase I Environmental Site Assessment dated February 20, 1996.

STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Disposal of Graded Spoils. Prior to the issuance of the coastal development permit, the applicant shall identify the location for the disposal of graded spoils. If the site is located within the coastal zone, a separate coastal development permit or permit amendment shall first be obtained from the California Coastal Commission or its successors in interest.

2. Sign Program. Prior to the issuance of the coastal development permit, the applicant shall submit a comprehensive sign program, documenting that only monument signs, not to exceed eight (8) feet in height, or facade signs are proposed. No tall, free-standing pole or roof signs shall be allowed. Said plans shall be subject to the review and written approval of the Executive Director.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. Proposed is the construction of a 6,000 sq. ft. commercial retail building with 30 semi-subterranean parking spaces on an existing vacant 14,886 sq. ft. lot. To prepare the site for the proposed development approximately 750 cubic yards of cut is proposed. Since the applicant has not indicated where the excess graded material is to be deposited, Special Condition #1 has been attached. This condition requires the applicant to identify the disposal site and obtain a coastal development permit if the site is within the Coastal Zone.

The lot was previously occupied by a restaurant which was destroyed by fire approximately 8 years ago. In addition, in 1992 the Commission approved the construction of two office/retail buildings totalling 6,000 sq. ft. over a subterranean 30 car parking garage (CDP #6-91-311); the approved development was never constructed and that permit expired. The project site is located on the west side of Highway 101, just south of Cliff Street in the City of Solana Beach.

2. Parking/Public Access. Section 30252 of the Coastal Act states, in part:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities....

The proposed project is located along Highway 101, which is designated as a major coastal access route in the previously-certified County of San Diego Local Coastal Program (LCP), which the Commission uses for guidance in review of development in Solana Beach. In addition, the project site is located just a few short blocks from the beach at Tide Park. As such, it is important that the parking needs of the project be accommodated on-site so as not to displace on-street parking that should be available for public beach users.

As proposed, the development includes 6,000 sq. ft. of retail space. Based upon the City's parking ordinances and the previously-certified County of San Diego LCP Zoning Ordinances, which require one parking space per 200 sq. ft. of office/retail space, a total of 30 parking spaces would be required to serve the proposed development. Since the applicant is proposing 30 parking spaces to serve the development, the proposal is consistent with both the City parking standards and the parking ordinance of the County LCP. Therefore, no impacts to public access are anticipated with this proposal, and the Commission finds the proposed development, as conditioned, consistent with Section 30252 of the Coastal Act.

3. Visual Impacts. Section 30251 of the Coastal Act states, in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

This policy supports the development of sensitively-designed and well landscaped projects that will enhance the visual amenities of coastal communities. As stated, the proposed project is sited along Highway 101, which is designated as a scenic corridor in the previously-certified County of San Diego LCP. In order to fully implement the provisions of Section 30251 of the Coastal Act, the County LCP, in the Scenic Area regulations, contained provisions requiring site plan review of any new commercial development along the Highway 101 corridor. Among the provisions of the site plan review are the requirements for review of sign plans and increased landscape standards along this scenic corridor. In the past, on similar projects, the Commission has typically required a minimum ten-foot landscaped area along the Highway 101 frontage, not to include the Highway 101 right-of-way. The project as proposed incorporates the 10-foot landscape strip and a detailed landscape plan was included with the application.

In addition, the site plan review mechanism in the previously-certified County LCP required that signage be controlled. Consistent with the County LCP and the non-certified City of Solana Beach sign ordinance, a detailed sign program was submitted with the application indicating that only facade signs and a monument sign not exceeding 8 feet are proposed. No tall, free-standing pole or roof signs are proposed and none are permitted. Special Condition #2 has been attached to allow the applicant, and/or future tenants/lessees some flexibility to modify the site signage within the established parameters.

The submitted sign program complies with the standards of the condition and satisfies its intent at this time. Any future proposals for alternative signage not meeting the approved parameters will require an amendment to this permit or a new coastal development permit. With the submission of a detailed landscape and signage plan and the attached condition, the potential for impacts to the visual quality of this scenic corridor have been reduced to the maximum extent feasible. Therefore, the Commission finds the proposed project, as conditioned, consistent with Section 30251 of the Coastal Act.

4. Public Concern. A letter from a concerned party has been submitted and is attached as an exhibit to this report. It expresses concern over three separate aspects of the proposed development. The first concern addresses the project's potential impact to traffic along Acacia Street, which borders the subject site on the west. As designed, the proposed development will include ingress/egress points on both Highway 101 and Acacia Street. While the proposed development may result in more traffic along Acacia, this is not a coastal access route. Allowing traffic to exit and enter from Acacia may even reduce traffic congestion on Highway 101, which is a major coastal access route. Thus, although this may be a concern for local residents, it does not raise an issue under the public access policies of the Coastal Act.

The second concern raised in the letter is the adequacy of the City's review under the California Environmental Quality Act (CEQA). As the letter acknowledges, the coastal development permit process is a functional equivalent of CEQA, but the Commission is not the lead agency to determine the appropriate level of CEQA review. The City of Solana Beach acts as lead agency, and has determined that the project is categorically exempt under CEQA. Any challenge to the City's determination would need to be made to it directly. Since the subject analysis considers those aspects of CEQA applicable under the Coastal Act, the Commission's coastal development permit process evaluates, consistent with CEQA requirements, the potential environmental impacts to coastal resources presented by a proposed development.

Finally, the letter raises a concern over possible contamination of the site resulting from underground storage tanks located approximately one block to the north. The letter cites an incident that occurred ten years ago, and expresses concern that groundwater at the subject location might be contaminated. However, an environmental site assessment has been performed by the applicant for the subject site. The report concludes that there is "low likelihood that the Site has been impacted by a release of hazardous materials/wastes from a known and reported off-site source." As such, no coastal policy issues have been identified which would warrant additional Commission review.

5. Local Coastal Planning. Section 30604 (a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

The subject site is currently zoned Commercial and is designated for general commercial uses in the City of Solana Beach General Plan as well as in the previously-certified County LCP. The proposed development, as conditioned, is consistent with these designations. In addition, the proposed project, as conditioned, is consistent with all applicable Chapter 3 policies of the Coastal Act and the Scenic Area regulations found in the County LCP and no adverse impacts to coastal resources are anticipated. Therefore, the Commission finds the proposed project, as conditioned, should not prejudice the ability of the City of Solana Beach to prepare a certifiable local coastal program.

6. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of coastal development permits to be supported by a finding showing the permit to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

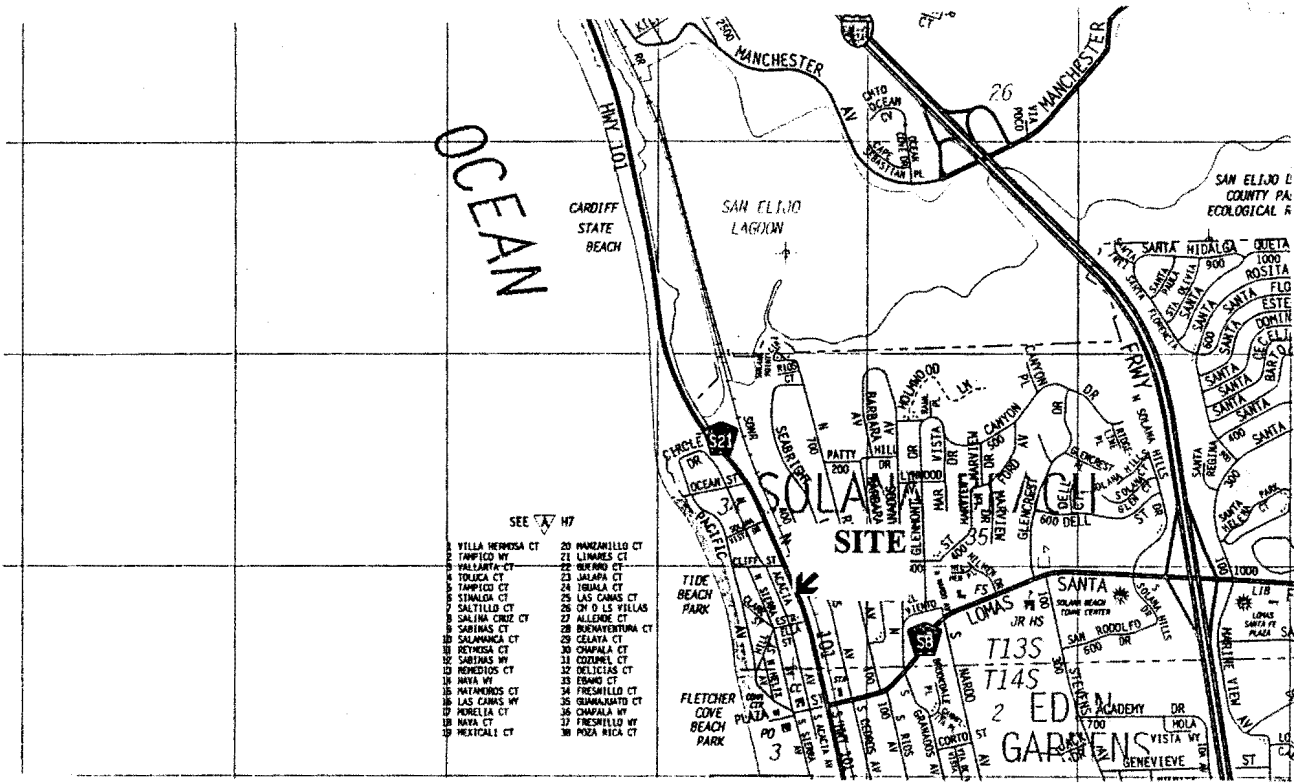
As discussed herein, the proposed project will not cause significant adverse impacts to the environment. Specifically, the project has been found consistent with the public access and community character policies of the Coastal Act. There are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity might have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

(6106R)



- SEE ▽ H7
- | | | | |
|----|------------------|----|-----------------|
| 1 | VILLA HERDISA CT | 20 | MANZANILLO CT |
| 2 | TAMPICO WY | 21 | LIMARES CT |
| 3 | VALSARTIA CT | 22 | QUEBRADO CT |
| 4 | TOLUCA CT | 23 | JALAPA CT |
| 5 | TAMPICO CT | 24 | YUPLALA CT |
| 6 | SINALOA CT | 25 | LAS CUBAS CT |
| 7 | SALTILLO CT | 26 | DR O LS VILLAS |
| 8 | SARINA CRUZ CT | 27 | ALLENDE CT |
| 9 | SARINAS CT | 28 | BUENAVENTURA CT |
| 10 | SALAMANCA CT | 29 | CELAYA CT |
| 11 | RETRUSA CT | 30 | CHAPALA CT |
| 12 | SARINAS WY | 31 | COZUMEL CT |
| 13 | REMEDIOS CT | 32 | DELICIAS CT |
| 14 | NAVA WY | 33 | EDMUNO CT |
| 15 | MATANEROS CT | 34 | FRESNILLO CT |
| 16 | LAS CUBAS WY | 35 | GUANAJUATO CT |
| 17 | PEREIRA CT | 36 | CHAPALA WY |
| 18 | NAVA CT | 37 | FRESNILLO WY |
| 19 | MEXICALI CT | 38 | POZA RICA CT |

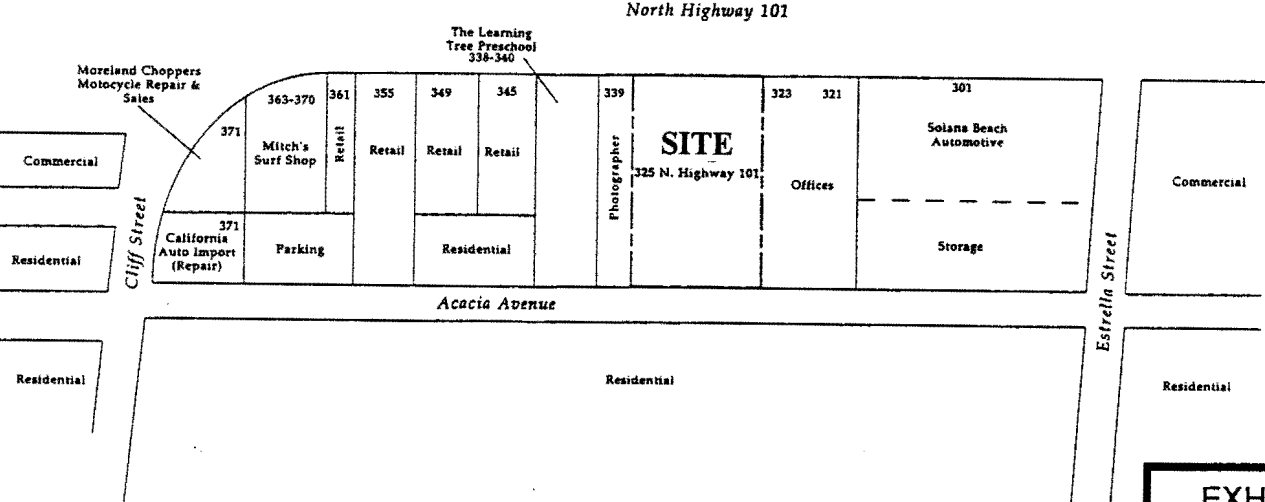
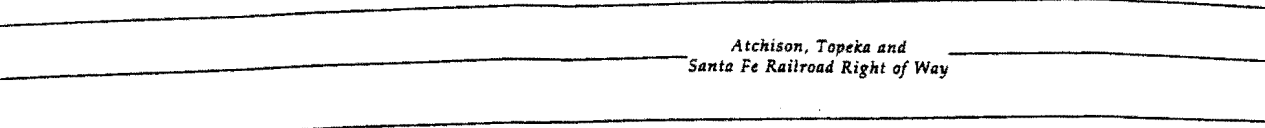


EXHIBIT NO. 1
APPLICATION NO.
6-96-106
Location Maps

Site Vicinity Map

Actual

DENNIS KOOLHAAS & ASSOCIATES

441 SOUTH ESCONDIDO BOULEVARD
ESCONDIDO, CALIFORNIA 92025

TELEPHONE: (619) 737-6184

FACSIMILE: (619) 737-6186

August 2, 1996

RECEIVED

AUG 06 1996

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Mr. Gary Cannon
Coastal Commission
3111 Camino del Rio North
Suite 200
San Diego, CA 92108

RE: Surf Ride, Inc. Permit

Dear Mr. Cannon:

This letter is being written to address several concerns for Surf Ride, Inc. being proposed at 325-327 North Highway 101 in Solana Beach.

One of our major concerns is the traffic impact to Acacia. The circulation element includes a rear "loop-out" design from Hwy. 101 through the north parking lot onto Acacia to access the underground parking. This, combined with the separate ingress and egress from Acacia, has raised concerns of impacts to the residential area contiguous to the site on the west. Lacking some type of traffic study, this impact remains unknown.

Even though the Coastal Commission is not involved in the CEQA process, we are still stymied at the appropriateness of a Categorical Exemption for a six thousand (6000) square foot building combined with the traffic impacts. We do not believe this is a Categorically Exempt project under CEQA.

Another major concern is the possible contamination that may exist at the site. During our review, we spoke with the Site Assessment Mitigation Department/Hazardous Waste Management Division of the County of San Diego. According to this department, the Mohawk Gas Station at 435 North Highway 101, Solana Beach, failed a tank pressure test in 1986. Since this site still appears on the City's Hazardous Waste and Substances Sites List and the Leaky Underground Storage Tank (LUST) list, we are concerned that possible contamination at this site could have migrated downgradient the few hundred feet to the above referenced site. According to the County, due to the high ground water elevation and the sandy conditions of the soil, hydrocarbon contamination can migrate very rapidly. This type of contamination would not be assessed under a Phase I review,

EXHIBIT NO. 3
APPLICATION NO. 6-96-106
Letter of Comment
Page 1 of 2
California Coastal Commission

since that level of review is limited to a search of property records and surface soil observations. Therefore, a focused analysis and testing of the site should be performed.


As you can see, we believe there are several issues that need to be resolved before a permit can be issued. Our concern is that these issues have been overlooked and not properly addressed.

Thank you for your attention to these issues. Please keep us apprised as this matter proceeds.

Very truly yours,



DENNIS KOOLHAAS

EXHIBIT NO. 3
APPLICATION NO. 6-96-106
Letter of Comment
Page 2 of 2
 California Coastal Commission

DENNIS KOOLHAAS & ASSOCIATES

SCRIPPS BANK CENTER
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TELEPHONE: (619) 737-6184

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August 21, 1996

Mr. Luis Calcagno
Chairman
California Coastal Commission
3111 Camino del Rio North
San Diego, CA 92108

RECEIVED

AUG 22 1996

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

RE: Surf Ride Inc. permit application

Dear Mr. Calcagno:

Enclosed herewith, please find petitions bearing the signatures of hundreds of individuals who have voiced concern regarding the above-captioned application. Because of the tremendous distance to your meeting in Eureka, and the time and cost related to making such a trip, on behalf of the signatories, we would respectfully request a continuance of this item until your next meeting in Southern California. Only then would they have an opportunity to address you personally and publicly. Furthermore, the site has not been posted to inform the residents that this site is under Coastal Commission consideration.

While there are several issues that have many concerned, the primary issues are those that impact the scenic corridor of Highway 101, the visual impacts to the same, and, contrary to Surf Ride's application, the removal of mature trees and vegetation.

First, as a scenic corridor, the modern glass architecture of this proposed development is tremendously inconsistent with rustic environs of the area. While there were two buildings previously approved for this site, neither clashed with the surrounding community as the one proposed. Pursuant to the development guidelines, this area of Solana Beach is a visitor destination area. This area is unique in character, and has been spared the visual blight of large modern architecture.

Secondly, the impact to the un-signalized intersections and circulation elements of Highway 101 contiguous to this site will add additional traffic and safety concerns.

EXHIBIT NO. 4

APPLICATION NO.

6-96-106

Additional Letter of
Comment and
Petition of
Opposition

Page 1 of 3

 California Coastal Commission

Finally, the Surf Ride application states that no trees or other vegetation will be removed. Contrarily, the Site Plans submitted indicate that all of the existing twenty foot tall trees screening the site will be removed. Because of the mature nature of these trees, it causes great concern to lose this resource.


Therefore, because of the great interest in this development by the neighbors and the visitors to this area, we would respectfully request a continuance of this item whereby the many interested parties may appear at the next public hearing.

Very truly yours,



DENNIS KOOLHAAS

cc: Mr. Gary Cannon

EXHIBIT NO. 4
APPLICATION NO. 6-96-106
Additional Letter of Comment and Petition of Opposition
Page 2 of 3
 California Coastal Commission

We the undersigned oppose the development of the Surf Ride Commercial Building proposed to be located at 325-327 North Highway 101 in Solana Beach.

We oppose the project based on, but not limited to:

- A. Design Impact: Will the design impact the existing neighborhood and the scenic corridor, thus causing potential property loss?
- B. Traffic Impact: What impact will the additional traffic have on the area and residents on Acacia Avenue and Highway 101?
- C. Non Compliance: How many and what type of issues does the applicant ask for deviation from the guidelines, such as height increase, landscaping reduction, parking reduction, etc.?

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE (Optional)</u>
Linda Swindell	127 Hwy 101	259-0560
miles AHLES	109 ACACIA AVE	WK 436 6391
Nenee Miller	245 S. Felix #3	793-6232
Anthea Omnett	2039 Edinburg	753-3311
UZ Huehly	137 N. Stella	792-1389
John Bogle ^{P. Jenn Bogle}	624 Solana Cir E	792-9385
DEBBIE BOGLE	624 Solana Cir	792-9385
Aan Kiedler	1045 Via Marbrisa	753-7328
Kelsey Falgner	417 Pacific Ave.	795-1040
Michelle Seltzer	PO. Box 675607 Rancho Santa Fe	(760) 211
Bob Swindell	302 Barbara Ave	259-0560

AN ADDITIONAL 198
NAMES WERE
SUBMITTED AS
SIGNATORIES TO THIS
PETITION

California Coastal Commission

EXHIBIT NO. 4
APPLICATION NO.
6-96-106
Additional Letter of
Comment and
Petition of
Opposition
Page 3 of 3

California Coastal Commission